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September 9, 2021

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge for the
Southern District of New York
40 Foley Street
New York, New York 10007

MEMO ENDORSED

Re: *Hurtado v. 183 Food Market Corp., et al.*
Docket No: 20-cv-7988 (KPF)(KHP)

Dear Judge Failla:

We represent Defendants 183 Food Market Corp., 2358 Food Corp., and Roberto Espinal (the “Espinal Defendants”). We write, with the consent of all parties, to request a 30-day extension of time to file the parties’ settlement agreement and motion for preliminary settlement approval under Fed. R. Civ. P. 23.

The original deadline for the filing of the settlement and the preliminary approval motion was August 14, 2021. On August 10, 2021, Plaintiffs (with the consent of all Defendants) filed a motion for a 30 day extension. That motion was granted and the deadline was extended to September 14, 2021. This is the second request for an extension. We respectfully request that a 30 day extension is warranted for the following reasons:

1. On August 15, 2021, I tested positive for COVID-19. I was placed on quarantine for two weeks. I regret to say that my ability to work was severely impacted as a result;
2. My associate, Taylor Ferris, and I observe Rosh Hashana. Accordingly, for religious reasons Taylor and I did not work on Tuesday or Wednesday;
3. The settlement reached by the parties requires Plaintiffs and Defendants to navigate a complicated funding structure that also implicates the sale of the business from the Espinal Defendants to the co-Defendants. The settlement agreement here will modify various promissory notes and other documents that were executed as part of the sale; and
4. Additional time is required to finalize other portions of the settlement agreement, to resolve various revisions to the settlement notice and appurtenant documents, and to finalize the motion for preliminary approval.

Though all parties are working diligently to complete the process of finalizing the settlement and submitting it to the Court, we respectfully submit that an extension is required.

We thank the Court for its time and attention to this matter.

Respectfully submitted,
Kaufman Dolowich & Voluck, LLP



Aaron N. Solomon

Cc: All Counsel of Record (*via* ECF)
4831-6039-9590, v. 2

Application GRANTED. The parties' motion for preliminary settlement approval will be due on or before October 14, 2021. The Court extends its best wishes to Defendants' counsel, and hopes he has fully recovered.

Dated: September 10, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE